

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**JOHNSON KENNEDY III,**

**Plaintiff,**

**v.**

**Case No: 6:21-cv-348-GKS-PDB**

**ACTING COMMISSIONER OF  
SOCIAL SECURITY,**

**Defendant.**

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**ORDER**

THIS CAUSE is an action brought pursuant to 42 U.S.C. § 405(g) to review the final decision of Defendant, the Acting Commissioner of Social Security (Acting Commissioner), which comes before the Court upon two motions filed by Defendant. On April 26, 2021, Defendant filed an Opposed Motion Pursuant to Fed. R. Civ. P. 12(B)(1) to Dismiss Plaintiff's Complaint In Part (Motion to Dismiss) and Defendant's Unopposed Motion Stay of Proceedings (Doc. 13) which Plaintiff Opposed In Part (Doc. 17).

Thereafter, on August 3, 2021, the Commissioner filed an Unopposed Motion for Entry of Judgment with Remand (Doc. 24) (Motion). Plaintiff has not opposed the Motion. The Court referred the Motions to the United States Magistrate Judge

for a report and recommendation (Report and Recommendation).

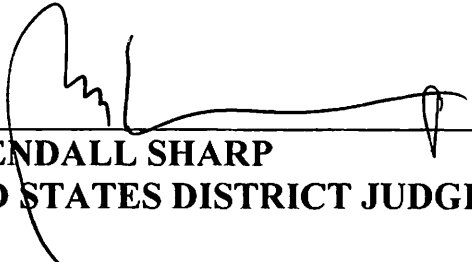
On September 10, 2021, the United States Magistrate Judge issued a Report and Recommendation (Doc. 25), recommending that Defendant's Motion be granted, and the Acting Commissioner's decision be reversed and remanded. Neither party has filed any objections to the Report and Recommendation.

After review and consideration of the Report and Recommendation and noting that neither party objects to the Report and Recommendation, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Patricia D. Barksdale's Report and Recommendation (Doc. 25) is **APPROVED** and **ADOPTED** and is made part of this Order for all purposes, including appellate review.
2. Defendant's Motion to Remand is **GRANTED** (Doc. 24).
3. The Acting Commissioner's decision is **REVERSED** under sentence four of 42 U.S.C. § 405(g).
4. The action is **REMANDED** to the Acting Commissioner for "further administrative proceedings, including further consideration of the evidence regarding Plaintiff's impairments.
5. Defendant's Motion to Dismiss is **DENIED** as **MOOT** (Doc. 13).
6. The Clerk of Court is **DIRECTED** to enter **JUDGMENT** in favor of Plaintiff,

Johnson Kennedy, III, and against Defendant, the Acting Commissioner of Social Security, TERMINATE all motions, and **CLOSE THE CASE**.

**DONE AND ORDERED** at Orlando, Florida, this 30 day of September, 2021.



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**G. KENDALL SHARP**  
**SENIOR UNITED STATES DISTRICT JUDGE**

Copies to:

Counsel of Record  
Unrepresented Parties